

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

In the Matter of	)	MB Docket No. 14-82
	)	
<b>PATRICK SULLIVAN</b>	)	FRN 0003749041, 0006119796,
(Assignor)	)	0006149843, 0017196064
	)	
and	)	Facility ID No. 146162
	)	
<b>LAKE BROADCASTING, INC.</b>	)	File No. BALFT-20120523ABY
(Assignee)	)	
	)	
Application for Consent to Assignment of	)	
License of FM Translator Station W238CE,	)	
Montgomery, Alabama	)	
To: Richard L. Sippel		
Chief Administrative Law Judge		

**ENFORCEMENT BUREAU'S  
MOTION TO COMPEL ANSWERS TO INTEROGATORIES**

1. On August 5, 2014, the Enforcement Bureau served interrogatories on Lake Broadcasting, Inc. (Lake). On August 15, 2014, Lake served its answers and objections on the Bureau ("Response"). For the reasons that follow, the Bureau submits that Lake's answers are, in several respects, unresponsive, evasive, and/or incomplete. Furthermore, its objections to several interrogatories are without merit. Consequently, pursuant to Section 1.323 of the Commission's Rules, the Bureau respectfully requests the Presiding Judge to issue an order compelling Lake to provide full and complete answers to the interrogatories described below.

2. Specifically, the Bureau requests full and complete answers to the following interrogatories:

**Interrogatory No. 12:**

Interrogatory:

State whether Michael Rice has consulted with, and/or been examined and/or treated by, a psychiatrist, psychologist, therapist (other than a physical therapist), and/or counselor.

If so, as to each such psychiatrist, psychologist, therapist, and/or counselor:

- a. Identify the professional.
- b. Specify the time period during which he received treatment.
- c. Describe the reason for the consultation, examination, and/or treatment.
- d. Describe the diagnosis.

Answer:

- a. Dr. Wayne A. Stillings, M.D.  
Dr. Ann Dell Duncan, Ph.D, J.D.  
Dr. Well Hively, Phd.D.  
Mark Lee Robinson, therapist  
Carol Klooster, therapist
- b. From 1990 through 2002
- c. Treatment of Bi Polar Depression, alcohol abuse, prevention of sex abuse with minors, and relapse prevention
- d. See c.

The Bureau submits that Lake's response to subpart (a) of this interrogatory is deficient because it fails to provide all of the required information. The instructions accompanying the Bureau interrogatories clearly articulate that the term "Identify," when used with reference to a person or persons, means to state his or her full name, last known business and residence addresses, and last known business and residence telephone numbers. Lake only provided the names of several individuals. It is not sufficient for Lake to simply provide names of individuals without also providing the other required information. The additional contact information that the Bureau requested -- *last known business and residence addresses, and last known business and residence telephone*

*numbers* -- is absolutely critical to the Bureau's ability to communicate with the individuals during discovery to determine whether they have information which may be of material significance in resolving the issues in this case.

Lake's responses to subparts (b) and (c) of this interrogatory also are patently deficient because they fail to provide, *as to each individual*, the time period of any treatment received as well as the reason for the consultation, examination and/or treatment and the diagnosis. This additional information is important because it permits the Bureau to associate each individual who is identified with the treatments and diagnoses that he or she provided.

Lake's overly general answers to this interrogatory lack the specificity that the Bureau's interrogatory required and thus must be characterized as unresponsive and/or evasive. Where an applicant claims to have been rehabilitated on the basis of medical treatments, the Bureau is entitled to basic information about such treatments and the individuals who provided them. Accordingly, the Presiding Judge should order Lake to provide full and complete answers to this interrogatory, organized according to the various subparts specified in the interrogatory.

**Interrogatory No. 13:**

**Interrogatory**

State whether Michael Rice takes or has taken any prescription medication for anything other than a physical condition. If so, as to each such medication:

- a. Identify the medication.
- b. Specify the dose and frequency.
- c. Specify the time period during which the medication was taken.
- d. Explain why the medication was taken.
- e. If the dose was changed at any time, explain why.
- f. If Michael Rice is no longer taking the medication, explain why.

Answer

- a. Mr. Rice has taken various medications during his 24 years of treatment. He does not have a complete list nor does he recall specific time periods. His current medications, dose, and frequency for all of his medical conditions are as follows:

**Janumet**

50-1000 Tab 2X daily Tablets

1-AM 1-PM

**Quinapril**

20MG Tablets

2X daily

**Lantus**

45 units injection

1X before breakfast

**Carvedidol**

25 MG Tablets ½ tab once a day

**Clopidogrel (generic for Plavix)**

75 MG Tablets

1X daily

**Amlodipine**

5MG 1 X daily

**Hydrochlorothiazide**

25 MG 1X daily

**Atorvastatin (generic for LIPITOR)**

10MG 1X daily

**Wellbutrin**

300MG

1X daily

**Aspirin**

325 MG

1X daily

- b. See a. above.  
c. See a. above.  
d. See Answer to Interrogatory 12(c).  
e. Over the years, Mr. Rice has changed his medications and doses under the direction of his treating physicians.  
f. Mr. Rice is still taking medications for depression (Wellbutrin). His physicians have decided that the other medications for his mental conditions are no longer needed by him.

The Bureau submits that Lake's response to this interrogatory also is deficient. The interrogatory requests critical information about medications that Mr. Rice has taken through the years to treat conditions which may have contributed to his criminal behavior; conditions from which he now claims to have been rehabilitated. In its response, Lake simply provides a convenient list of the doses and frequencies of Mr. Rice's *current* medications, while (a) ignoring each and every one of the subparts as to those prescriptions, and (b) failing entirely to identify any medications that Mr. Rice has taken in the past. Moreover, it appears that at least some of the prescription medications that Lake identified are for physical conditions, which the Bureau's interrogatory specifically excluded.

As to the medicines that have been prescribed in the past, Lake has an obligation to make a good faith effort to obtain such information and provide it to the Bureau. In this regard, Lake has made no showing of any attempt to obtain records of medications that were prescribed to Mr. Rice in the past or that such records are unavailable through the exercise of reasonable efforts. Clearly, it is not a legitimate response during discovery in an FCC-related hearing proceeding for Lake to simply recite that Mr. Rice is unable to remember the medications he has taken.

The specific information that the Bureau requested about Mr. Rice's medications (current and past) are clearly germane to the issues in this proceeding. This information will be reviewed by expert witnesses and is critical to determining whether such medications have contributed, if at all, to Mr. Rice's claimed rehabilitation. Indeed, the declaration that Lake provided in the captioned application from Dr. Stillings, dated May 17, 2001, identifies several medications that Lake asserts contributed to Mr. Rice's

rehabilitation. Given that Lake asserts that Mr. Rice's claimed rehabilitation is, in part, the result of having been prescribed certain medications through the years, the Bureau is entitled to a full and complete list of all prescription medications that Mr. Rice has taken. The Bureau notes that this interrogatory was narrowly tailored to avoid any claim that it is overly burdensome by specifically excluding medications that Mr. Rice may have been prescribed for physical conditions.

Accordingly, Lake should be required to provide the specific information about *all* of the medicines that Mr. Rice has taken (excluding those taken for physical conditions), organized according to the various subparts specified in the interrogatory.

**Interrogatory No. 14**

Interrogatory

State whether Michael Rice is or has been employed and/or self-employed since his release from prison. If so, as to each such position that Michael Rice has held:

- a. Identify the employer.
- b. Specify the dates of employment.
- c. Identify Michael Rice's immediate supervisor.
- d. Specify the title of the position.
- e. Describe Michael Rice's duties.

Answer

Since he was released from prison in December 1999, Mr. Rice has been self-employed as an investor in residential rental properties, bonds, and securities; a property manager for residential properties and for the towers that he owns; and an engineering consultant for AM and FM radio stations.

The Bureau submits that Lake's answer to this interrogatory is wholly inadequate. Lake makes no effort whatsoever to respond to any of the subparts. Furthermore, his brief narrative lack specificity, is uninformative, and borders on being evasive.

The nature and extent of Mr. Rice's employment history since his release from prison is critical to determining whether he has been rehabilitated and can conduct

himself as a responsible Commission licensee. Thus, the Bureau is entitled to specific information requested, *as to each position Mr. Rice has held.*

To the extent that Lake may somehow have assumed that it need not fully answer the interrogatory because it has drawn a distinction that that Mr. Rice is compensated as an independent contractor rather than a Form W-2 employee, it should be directed to nonetheless respond to the interrogatory in good faith without regard to such a contrived technicality. Thus, as to each position Mr. Rice has held – whether as a contractor or employee – Lake should be ordered to identify the person or entity for whom Mr. Rice provided services; specify the dates he provided such services; identify the person for whom Mr. Rice provided such services; specify Mr. Rice's title; and describe fully and completely the services he performed.

**Interrogatory 15:**

Interrogatory

State whether Michael Rice provides or has provided services to any FCC licensee or broadcast station since his release from prison. If so, as to each such service that Michael Rice has provided:

- a. Identify the licensee and/or broadcast station.
- b. Specify the dates during which the service was provided.
- c. Identify Michael Rice's contact at the licensee and/or station.
- d. Describe the nature and extent of the service.
- e. Specify the nature and extent of the compensation that Michael Rice received, if any, for the service.

Answer

OBJECTION. Lake objects to all parts of this Interrogatory, except (b), (d), and (e), on the grounds that those details are unnecessary to test Mr. Rice's rehabilitation and could lead to harassment of his clients.

b. Mr. Rice has provided intermittent engineering consulting services to a number of AM and FM broadcast stations in the Midwest (most especially Missouri, Illinois, and Indiana) from the time he was released from prison in December

1999 until the present. He is recognized as a Certified Professional Broadcast Engineer, which helps him to obtain consulting assignments.

d. Mr. Rice adjusts antennas and transmitters, troubleshoots technical operational issues, and assists in constructing new or modified radio facilities.

e. Mr Rice is paid standard market rates for his engineering services.

The Bureau submits that Lake's objection to this interrogatory is entirely without merit. Lake objects to subparts (a) and (c) on the basis that the requested information is "unnecessary to test Mr. Rice's rehabilitation" and that providing it "could lead to harassment of his clients." Mr. Rice is the sole principal of a company that is an applicant for an FCC broadcast station license. Furthermore, there are very serious questions as to whether Mr. Rice possesses the basic qualifications to be a Commission licensee. Information about the nature and extent of Mr. Rice's employment and conduct at broadcast stations since his release from prison unquestionably is germane to this proceeding and could lead to the discovery of admissible evidence about whether he has been rehabilitated. There also is no basis whatsoever for Lake's suggestion that disclosure of such information could lead to harassment of Mr. Rice's clients. The Bureau, as a party in this proceeding, has a reasonable interest in contacting broadcast stations where Mr. Rice has performed professional services. Indeed, the Bureau is entitled to speak with persons with whom Mr. Rice has worked – particularly those at broadcast stations – to assess the veracity of his claim that he has been rehabilitated. The Bureau has no intention of harassing anyone, and the fact that Mr. Rice may be embarrassed about the possible disclosure of his criminal past does not provide a basis for Lake to refuse to answer a legitimate interrogatory. Accordingly, Lake should be compelled to respond fully and completely to subparts (a) and (c) of this interrogatory.



To the extent Lake responded to subparts (b), (d), and (e) of this interrogatory, its responses were inadequate. These subparts requested specific information about dates, services provided, and compensation. Lake's narrative response provided none of this information. Accordingly, Lake should be required to make a good faith effort to respond to these subparts as well.

**Interrogatory No. 23:**

Interrogatory

State whether Michael Rice is has ever been married. If so, identify each spouse and the dates of his marriage(s). If Michael Rice is not now and/or has not been married, state whether he has had a personal relationship with someone whom he would consider to be or have been a partner and/or significant other, as those terms are generally used. If so, identify each partner and/or significant other and the dates of his personal relationship(s) with them.

Answer

Mr. Rice is not married and has never been married. OBJECTION: Lake objects to the remaining part of the Interrogatory since it is highly personal, an invasion of his personal privacy, and not germane to any of the issues specified in this proceeding

The Bureau respectfully submits that Lake's objection to providing information about the identity of Mr. Rice's significant others, to the extent there are any, is without merit. Lake maintains, without explanation, that such information is not germane to any of the issues in this hearing. To the contrary, in order to assess the veracity of Lake's claim that Mr. Rice has been rehabilitated, it is important for the Bureau to speak with those individuals who are and have been closest to Mr. Rice. It is entirely reasonable to believe that those who are closest to Mr. Rice would be most familiar with his conduct, if any, with youngsters, and have relevant knowledge about his propensity to be truthful

and trustworthy. Mr. Rice's past and current significant others are uniquely qualified to serve as character witnesses -- either on behalf of Mr. Rice or otherwise. Lake should not be placed in the position of being the arbiter of deciding whom the Bureau might contact for relevant information. Indeed, it would distort the hearing processes if Lake were able to avoid responding to this interrogatory and thereby prevent the Bureau from speaking with persons who may have information which is highly relevant to the issues in this proceeding, both favorable and unfavorable to Lake.

Lake's suggestion that identifying Mr. Rice's significant others is "personal" or an "invasion of privacy" does not provide a legitimate basis for its refusal to answer the interrogatory. When Lake filed its application for a station license, it voluntarily submitted itself to the full range of the Commission's processes, including legitimate and measured inquiry into the personal conduct and behavior of Mr. Rice. Furthermore, the Bureau submits that any discussions that it might have with Mr. Rice's significant others would necessarily be limited to areas covered by the issues in this proceeding. Accordingly, Lake's objection to this interrogatory is without merit, and Lake should be directed to respond full and completely.

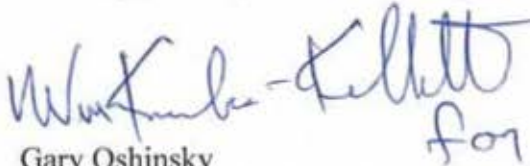
For the reasons described above, the Bureau requests that the Presiding Judge direct Lake to provide full and complete answers to Interrogatories 12, 13, 14, 15 and 23.

Respectfully submitted,

Travis LeBlanc  
Acting Chief, Enforcement Bureau  
by:

A handwritten signature in blue ink, appearing to read "William Knowles-Kellett", with a horizontal line extending from the end of the signature.

William Knowles-Kellett  
Attorney, Investigations & Hearings Division

A handwritten signature in blue ink, appearing to read "William Knowles-Kellett", with the word "for" written below it.

Gary Oshinsky  
Attorney, Investigations & Hearings Division

Federal Communications Commission  
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(202) 418-1420  
August 27, 2014

**CERTIFICATE OF SERVICE**

I, William Knowles-Kellett, an attorney in the Enforcement Bureau's Investigations & Hearings Division, certify that on this 27<sup>th</sup> day of August 2014, I sent via First Class United States Mail and via email copies of the foregoing ENFORCEMENT BUREAU'S MOTION TO COMPEL ANSWERS TO INTERROGATORIES. to:

Jerold L. Jacobs, Esq.  
Law Offices of Jerold L. Jacobs  
1629 K Street, N.W., Suite 300  
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Counsel for Patrick Sullivan and Lake Broadcasting, Inc.

A copy of the foregoing also was served via hand-delivery to:

The Honorable Richard L. Sippel  
Chief Administrative Law Judge  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W., Room 1-C861  
Washington, DC 20554

A handwritten signature in blue ink, appearing to read "William Knowles-Kellett", is written over a horizontal line.